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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/564,625

10/24/2006

Juergen Schuetzmann

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ROTHWELL, FIGG, ERNST & MANBECK, P.C.

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SUITE 800

WASHINGTON, DC 20005

EXAMINER

PUNNOOSE, ROY M

ART UNIT

PAPER NUMBER

2886

NOTIFICATION DATE

DELIVERY MODE

01/09/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-PAT-Email@rfem.com

Office Action Summary	Application No. 10/564,625	Applicant(s) SCHUETZMANN ET AL.	
	Examiner ROY M. PUNNOOSE	Art Unit 2886	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-11,13,14 and 16-25 is/are rejected.
- 7) ☒ Claim(s) 2,12,15 and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/24/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of claims 11-17 and 25-26 in the reply filed on 09/29/2008 is acknowledged. The Examiner respectfully disagrees with the applicant's contention that the restriction requirement is improper. However, in view of the applicant's amendment of claim dependency, the Examiner has withdrawn the restriction requirement of the previous office action. Claims 1-26 are pending in the application, and will be examined together.

Claim Objections

2. Claims 6 and 18-23 objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous or their respective parent claim(s). Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

3. Claim 6 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of its parent claim. Claim 6 is directed to the process of "producing" the background, and does not further limit the structure of the object of value.

4. Claim 18 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of its parent claim. Claim 18 is directed to a "transfer material" and does not further limit the structure of the security element.

5. Claim 19 is rejected for the same reasons of rejection of claim 18.

6. Claim 20 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of its parent claim. Claim 20 is directed to "a method of

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producing” the object of value or the security element, and does not further limit their respective structures.

7. Claim 21 is rejected for the same reasons of rejection of claim 20.

8. Claim 22 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of its parent claim. Claim 22 is directed to a method for testing an object of value, and does not further limit the structure of the object of value claimed in its parent claim, claim 1.

9. Claim 23 is rejected for the same reasons of rejection of claim 22.

10. Claim 24 is objected to for the typographical error of “objection” (on line 1) instead of object.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 1 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Kumar et al (US 2005/0012998 A1).

13. Claims 1 and 11 are rejected because Kumar teaches of an object of value with a security element, wherein the security element has at least one liquid-crystalline material, characterized in

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that the liquid-crystalline material effects a linear polarization of light (see paragraphs [0005], [0006] and claims 191-192).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 3-10, 13-14 and 16-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumar et al (US 2005/0012998 A1) in view of what is well-known in the art.

16. The limitations of claims 3-10, 13-14 and 16-25 are well-known in the art and therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate what is well-known in the art into Kumar's teachings to modify Kumar's teachings for alternate usability.

For example, with regard to claims 3 and 13, it would have taken only ordinary engineering expedience and/or techniques well-known in the art to select the liquid-crystalline material to have a layer thickness of 100 to 1000 nanometer for making the security element more flexible.

With regard to claims 4-6 and 14, it would have taken only ordinary engineering expedience and/or techniques well-known in the art to apply the liquid-crystalline material at any desired area(s).

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Similarly, with regard to the limitations claimed in claims 7-10 and 16-25, it would have taken only ordinary engineering expedience and/or techniques well-known in the art to incorporate them into Kumar's teachings to modify Kumar's teachings for alternate usability.

Allowable Subject Matter

17. Claims 2, 12, 15 and 26 have allowable subject matter, but are objected to because they are dependent on rejected base claim(s). Claims 2, 12, 15 and 26 would be allowable if the rejections of their respective parent/base claims can be overcome.

18. Claims 2, 12, 15 and 26 are allowable because, prior art of record taken alone or in combination, fails to disclose the limitations claimed in claims 2, 12, 15 and 26 in combination with the rest of the limitations of their respective parent claim(s).

Contact/Status Information

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Roy M. Punnoose** whose telephone number is **(571)272-2427**.

The examiner can normally be reached on 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Tarifur R. Chowdhury** can be reached on **571-272-2287**. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

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Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Roy M. Punnoose/

Primary Examiner

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